IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.5936 OF 1999
IN
SUMMARY SUIT NO.3569 OF 1999

Ramchandra Ganpat Nimbalkar ...Plaintiff
Vs.
Smt. Hirakani S. Dixit & Ors. ...Defendants

Mr.Sanjay Gawade for Plaintiff
Ms Shashikala Sharma i/b. Y.N. Adhia for Defendants 1,3 & 4
Mr. Kazi, Dy. Sheriff present

CORAM: SMT.ROSHAN DALVI, J.
DATED: 2ND DECEMBER, 2008

P.C.

1. The Plaintiff obtained the decree in the Suit. He sought to execute the decree. He also took out an Insolvency Petition being Insolvency Petition No.33 of 2006. The Plaintiff has ultimately settled the claim in Suit at Rs.1,80,00,000/- . The Sheriff's poundage of 1% on total satisfaction of the decree is required to be paid by the Plaintiff and recovered by the Sheriff of Mumbai.

2. The Sheriff of Mumbai has addressed the letter dated 22nd February, 2008 to the Plaintiff requesting him to pay the

statutory poundage payable under Rule 474 of the High Court Rules. The Plaintiff has failed to reply. The Plaintiff's Advocate states that he has received no instructions.

3. Issue summons upon the Plaintiff Ramchandra Ganpat Nimbalkar at his residential premises being 9, Shah Manshion, College Road, Opp: Portugese Church, Dadar (W), Mumbai-400 028, to remain present in Court to show cause as to why the Sheriff's poundage as per the Sheriff's letter dated 22nd February 2008 be not paid by the Plaintiff.

4. Returnable on 18th December, 2008.

(SMT. ROSHAN DALVI, J.)